

1-1 By: Thompson of Harris H.B. No. 1449
1-2 (Senate Sponsor - Rodríguez)
1-3 (In the Senate - Received from the House May 11, 2015;
1-4 May 11, 2015, read first time and referred to Committee on State
1-5 Affairs; May 21, 2015, reported favorably by the following vote:
1-6 Yeas 9, Nays 0; May 21, 2015, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	Huffman	X		
1-10	Ellis	X		
1-11	Birdwell	X		
1-12	Creighton	X		
1-13	Estes	X		
1-14	Fraser	X		
1-15	Nelson	X		
1-16	Schwertner	X		
1-17	Zaffirini	X		

1-18 A BILL TO BE ENTITLED
1-19 AN ACT

1-20 relating to child custody evaluations and adoption evaluations
1-21 conducted and testimony provided in certain suits affecting the
1-22 parent-child relationship; providing penalties; creating an
1-23 offense; authorizing fees.

1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-25 ARTICLE 1. CHILD CUSTODY EVALUATION AND ADOPTION EVALUATION

1-26 SECTION 1.01. The heading to Chapter 107, Family Code, is
1-27 amended to read as follows:

1-28 CHAPTER 107. SPECIAL APPOINTMENTS, CHILD CUSTODY EVALUATIONS, AND
1-29 ADOPTION EVALUATIONS ~~[SOCIAL STUDIES]~~

1-30 SECTION 1.02. The heading to Subchapter D, Chapter 107,
1-31 Family Code, is amended to read as follows:

1-32 SUBCHAPTER D. CHILD CUSTODY EVALUATION ~~[SOCIAL STUDY]~~

1-33 SECTION 1.03. Section 107.0501, Family Code, is
1-34 redesignated as Section 107.101, Family Code, and amended to read
1-35 as follows:

1-36 Sec. 107.101 ~~[107.0501]~~. DEFINITIONS. In this subchapter:

1-37 (1) "Child custody evaluation" ~~["Social study"]~~ means
1-38 an evaluative process ordered by a court in a contested case through
1-39 which information, opinions, ~~and~~ recommendations, and answers to
1-40 specific questions asked by the court may be:

1-41 (A) made regarding:

1-42 (i) ~~[adoption of a child,~~ conservatorship
1-43 of a child, including the terms and conditions of conservatorship;

1-44 (ii) ~~[or]~~ possession of or access to a
1-45 child, including the terms and conditions of possession or access;
1-46 or

1-47 (iii) any other issue affecting the best
1-48 interest of a child; and

1-49 (B) ~~[may be]~~ made to the ~~[a]~~ court, the parties to
1-50 the suit, ~~and~~ the parties' attorneys, and any other person
1-51 appointed under this chapter by the court in the suit. ~~[The term~~
1-52 does not include services provided in accordance with the
1-53 Interstate Compact on the Placement of Children adopted under
1-54 Subchapter B, Chapter 162, or an evaluation conducted in accordance
1-55 with Section 262.114 by an employee of or contractor with the
1-56 Department of Family and Protective Services.]

1-57 (2) "Child custody ~~["Social study]~~ evaluator" means an
1-58 individual who conducts a child custody evaluation ~~[social study]~~
1-59 under this subchapter. The term includes a private child custody
1-60 evaluator.

1-61 (3) "Department" means the Department of Family and

Protective Services.

(4) "Person" includes an agency or a domestic relations office.

(5) "Private child custody evaluator" means a person conducting a child custody evaluation who is not conducting the evaluation as an employee of or contractor with a domestic relations office.

(6) "Supervision" means directing, regularly reviewing, and meeting with a person with respect to the completion of work for which the supervisor is responsible for the outcome. The term does not require the constant physical presence of the person providing supervision and may include telephonic or other electronic communication.

SECTION 1.04. Subchapter D, Chapter 107, Family Code, is amended by adding Sections 107.102 and 107.1025 to read as follows:

Sec. 107.102. APPLICABILITY. (a) For purposes of this subchapter, a child custody evaluation does not include services provided in accordance with the Interstate Compact on the Placement of Children adopted under Subchapter B, Chapter 162, or an evaluation conducted in accordance with Section 262.114 by an employee of or contractor with the department.

(b) The department may not conduct a child custody evaluation.

(c) Except as provided by Subsections (a) and (b), this subchapter does not apply to the department or to a suit to which the department is a party.

Sec. 107.1025. EFFECT OF MENTAL EXAMINATION. A mental examination described by Rule 204.4, Texas Rules of Civil Procedure, does not by itself satisfy the requirements for a child custody evaluation under this subchapter. A mental examination may be included in the report required under this subchapter and relied on by the child custody evaluator to the extent the evaluator considers appropriate under the circumstances.

SECTION 1.05. Section 107.051, Family Code, is redesignated as Section 107.103, Family Code, and amended to read as follows:

Sec. 107.103 [107.051]. ORDER FOR CHILD CUSTODY EVALUATION [SOCIAL STUDY]. (a) The court, after notice and hearing or on agreement of the parties, may order the preparation of a child custody evaluation regarding:

(1) [social study into] the circumstances and condition of:

(A) [(1)] a child who is the subject of a suit;

(B) [or] a party to a suit; and

(C) [(2)] the residence [home] of any person requesting conservatorship of, possession of, or access to a child who is the subject of the suit; and

(2) any issue or question relating to the suit at the request of the court before or during the evaluation process.

(b) The court may not appoint a child custody evaluator in a suit involving a nonparent seeking conservatorship of a child unless, after notice and hearing or on agreement of the parties, the court makes a specific finding that good cause has been shown for the appointment of a child custody evaluator [social study may be made by a private entity, a person appointed by the court, a domestic relations office, or a state agency, including the Department of Family and Protective Services if the department is a party to the suit].

(c) An order for a child custody evaluation must include:

(1) the name of each person who will conduct the evaluation;

(2) the purpose of the evaluation; and

(3) the specific issues or questions to be addressed in the evaluation [In a suit in which adoption is requested or conservatorship of, possession of, or access to a child is an issue and in which a social study has been ordered and the Department of Family and Protective Services is not a party, the court shall appoint a private agency, another person, or a domestic relations office to conduct the social study].

(d) Except as provided by Section 107.106 [107.0511(b)],

each individual who conducts a child custody evaluation ~~[social study]~~ must be qualified under Section 107.104 ~~[107.0511]~~.

SECTION 1.06. Section 107.0511, Family Code, is redesignated as Section 107.104, Family Code, and amended to read as follows:

Sec. 107.104 ~~[107.0511]~~. CHILD CUSTODY ~~[SOCIAL STUDY]~~ EVALUATOR: MINIMUM QUALIFICATIONS. (a) In this section:

(1) "Full-time experience" means a period during which an individual works at least 30 hours per week.

(2) "Human services field of study" means a field of study designed to prepare an individual in the disciplined application of counseling, family therapy, psychology, or social work values, principles, and methods.

(b) ~~[The minimum qualifications prescribed by this section do not apply to an individual conducting a social study.]~~

~~[(1) in connection with a suit pending before a court located in a county with a population of less than 500,000;~~

~~[(2) in connection with an adoption governed by rules adopted under Section 107.0519(a);~~

~~[(3) as an employee or other authorized representative of a licensed child-placing agency; or~~

~~[(4) as an employee or other authorized representative of the Department of Family and Protective Services.]~~

~~[(c) The executive commissioner of the Health and Human Services Commission shall adopt rules prescribing the minimum qualifications that an individual described by Subsection (b)(3) or (4) must possess in order to conduct a social study under this subchapter.]~~

~~[(d)]~~ To be qualified to conduct a child custody evaluation ~~[social study under this subchapter]~~, an individual must:

(1) have at least a master's ~~[bachelor's]~~ degree from an accredited college or university in a human services field of study and a license to practice in this state as a social worker, professional counselor, marriage and family therapist, or psychologist, or have a license to practice medicine in this state and a board certification in psychiatry and:

(A) after completing any degree required by this subdivision, have two years of full-time experience or equivalent part-time experience under professional supervision during which the individual performed functions involving the evaluation of physical, intellectual, social, and psychological functioning and needs and developed an understanding ~~[the potential]~~ of the social and physical environment, both present and prospective, to meet those needs; and

(B) after obtaining a license required by this subdivision, have performed ~~[participated in the performance of]~~ at least 10 court-ordered child custody evaluations ~~[social studies]~~ under the supervision of an individual qualified under this section;

(2) meet the requirements of Subdivision (1)(A) and be practicing under the direct supervision of an individual qualified under this section in order to complete at least 10 court-ordered child custody evaluations ~~[social studies]~~ under supervision; or

(3) be employed by or under contract with a domestic relations office, provided that the individual conducts child custody evaluations ~~[social studies]~~ relating only to families ordered by a court to participate in child custody evaluations ~~[social studies]~~ conducted by the domestic relations office.

(c) Notwithstanding Subsections (b)(1) and (2), an individual with a doctoral degree and who holds a license in a human services field of study is qualified to conduct a child custody evaluation if the individual has completed a number of hours of professional development coursework and practice experience directly related to the performance of child custody evaluations as described by this chapter, satisfactory to the licensing agency that issues the individual's license.

(d) The licensing agency that issues a license to an individual described by Subsection (c) may determine by rule that internships, practicums, and other professional preparatory

activities completed by the individual during the course of achieving the person's doctoral degree satisfy the requirements of Subsection (c) in whole or in part.

~~(e) [If an individual meeting the requirements of this section is not available in the county served by the court, the court may authorize an individual determined by the court to be otherwise qualified to conduct the social study.~~

~~[(f)]~~ In addition to the qualifications prescribed by this section, an individual must complete at least eight hours of family violence dynamics training provided by a family violence service provider to be qualified to conduct a child custody evaluation ~~[social study]~~ under this subchapter.

~~[(g)] The minimum qualifications prescribed by this section do not apply to an individual who, before September 1, 2007:~~

~~[(1) lived in a county that has a population of 500,000 or more and is adjacent to two or more counties each of which has a population of 50,000 or more;~~

~~[(2) received a four-year degree from an accredited institution of higher education;~~

~~[(3) worked as a child protective services investigator for the Department of Family and Protective Services for at least four years;~~

~~[(4) worked as a community supervision and corrections department officer; and~~

~~[(5) conducted at least 100 social studies in the previous five years.~~

~~[(h)] A person described by Subsection (g) who performs a social study must:~~

~~[(1) complete at least eight hours of family violence dynamics training provided by a family violence service provider; and~~

~~[(2) participate annually in at least 15 hours of continuing education for child custody evaluators that meets the Model Standards of Practice for Child Custody Evaluation adopted by the Association of Family and Conciliation Courts as those standards existed May 1, 2009, or a later version of those standards if adopted by rule of the executive commissioner of the Health and Human Services Commission.~~

~~[(i) Subsections (g) and (h) and this subsection expire September 1, 2017.]~~

SECTION 1.07. Subchapter D, Chapter 107, Family Code, is amended by adding Sections 107.105 and 107.106 to read as follows:

Sec. 107.105. CHILD CUSTODY EVALUATION: SPECIALIZED TRAINING REQUIRED. (a) The court shall determine whether the qualifications of a child custody evaluator satisfy the requirements of this subchapter.

(b) A child custody evaluator must demonstrate, if requested, appropriate knowledge and competence in child custody evaluation services consistent with professional models, standards, and guidelines.

Sec. 107.106. EXCEPTION TO QUALIFICATIONS REQUIRED TO CONDUCT CHILD CUSTODY EVALUATION. (a) In a county with a population of less than 500,000, if a court finds that an individual who meets the requirements of Section 107.104 is not available in the county to conduct a child custody evaluation in a timely manner, the court, after notice and hearing or on agreement of the parties, may appoint an individual the court determines to be otherwise qualified to conduct the evaluation.

(b) An individual appointed under this section shall comply with all provisions of this subchapter, other than Section 107.104.

SECTION 1.08. Section 107.0512, Family Code, is redesignated as Section 107.107, Family Code, and amended to read as follows:

Sec. 107.107 [107.0512]. CHILD CUSTODY ~~[SOCIAL STUDY]~~ EVALUATOR: CONFLICTS OF INTEREST AND BIAS. (a) Before accepting appointment as a child custody ~~[A social study]~~ evaluator in a suit, a person must disclose to the court, each attorney for a party to the suit, any attorney for a child who is the subject of the suit, and any party to the suit who does not have an attorney:

(1) any ~~[who has a]~~ conflict of interest that the person believes the person has with any party to the ~~[in a disputed]~~ suit or a child who is the subject of the suit;

(2) any ~~[who may be biased on the basis of]~~ previous knowledge that the person has of a party to the suit or a child who is the subject of the suit, other than knowledge obtained in a court-ordered evaluation;

(3) any pecuniary relationship that the person believes the person has with an attorney in the suit;

(4) any relationship of confidence or trust that the person believes the person has with an attorney in the suit; and

(5) any other information relating to the person's relationship with an attorney in the suit that a reasonable, prudent person would believe would affect the ability of the person to act impartially in conducting a child custody evaluation~~[-~~ shall:

~~[(1) decline to conduct a social study for the suit; or
(2) disclose any issue or concern to the court before accepting the appointment or assignment].~~

(b) The court may not appoint a person as a child custody evaluator in a suit if the person makes any of the disclosures in Subsection (a) unless:

(1) the court finds that:

(A) the person has no conflict of interest with a party to the suit or a child who is the subject of the suit;

(B) the person's previous knowledge of a party to the suit or a child who is the subject of the suit is not relevant;

(C) the person does not have a pecuniary relationship with an attorney in the suit; and

(D) the person does not have a relationship of trust or confidence with an attorney in the suit; or

(2) the parties and any attorney for a child who is the subject of the suit agree in writing to the person's appointment as the child custody evaluator.

(c) After being appointed as a child custody evaluator in a suit, a person shall immediately disclose to the court, each attorney for a party to the suit, any attorney for a child who is the subject of the suit, and any party to the suit who does not have an attorney any discovery of:

(1) a conflict of interest that the person believes the person has with a party to the suit or a child who is the subject of the suit; and

(2) previous knowledge that the person has of a party to the suit or a child who is the subject of the suit, other than knowledge obtained in a court-ordered evaluation.

(d) A person shall resign from the person's appointment as a child custody evaluator in a suit if the person makes any of the disclosures in Subsection (c) unless:

(1) the court finds that:

(A) the person has no conflict of interest with a party to the suit or a child who is the subject of the suit; and

(B) the person's previous knowledge of a party to the suit or a child who is the subject of the suit is not relevant; or

(2) the parties and any attorney for a child who is the subject of the suit agree in writing to the person's continued appointment as the child custody evaluator.

(e) A child custody ~~[social study]~~ evaluator who has previously conducted a child custody evaluation ~~[social study]~~ for a suit may conduct all subsequent evaluations in the suit unless the court finds that the evaluator is biased.

(f) An individual may not be appointed as a child custody evaluator in a suit if the individual has worked in a professional capacity with a party to the suit, a child who is the subject of the suit, or a member of the party's or child's family who is involved in the suit. This subsection does not apply to an individual who has worked in a professional capacity with a party, a child, or a member of the party's or child's family only as a teacher of parenting skills in a group setting, with no individualized interaction with

any party, the child, any party's family, or the child's family, or as a child custody evaluator who performed a previous evaluation. A child custody evaluator who has worked as a teacher of parenting skills in a group setting that included a party, a child, or another person who will be the subject of an evaluation or has worked as a child custody evaluator for a previous evaluation must notify the court and the attorney of each represented party or, if a party is not represented, the evaluator must notify the party. For purposes of this subsection, "family" has the meaning assigned by Section 71.003.

~~[(c) This section does not prohibit a court from appointing an employee of the Department of Family and Protective Services to conduct a social study in a suit in which adoption is requested or possession of or access to a child is an issue and in which the department is a party or has an interest.]~~

SECTION 1.09. Section 107.0513, Family Code, is redesignated as Section 107.108, Family Code, and amended to read as follows:

Sec. 107.108 [107.0513]. GENERAL PROVISIONS APPLICABLE TO CONDUCT OF CHILD CUSTODY EVALUATION [SOCIAL STUDY] AND PREPARATION OF REPORT. (a) Unless otherwise directed by a court or prescribed by a provision of this title, a child custody [social study] evaluator's actions in conducting a child custody evaluation must [social study shall] be in conformance with the professional standard of care applicable to the evaluator's licensure and any administrative rules, ethical standards, or guidelines adopted by the licensing authority [state agency] that licenses the evaluator.

(b) A [In addition to the requirements prescribed by this subchapter, a] court may impose requirements or adopt local rules applicable to a child custody evaluation [social study] or a child custody [social study] evaluator that do not conflict with this subchapter.

(c) A child custody [social study] evaluator shall follow evidence-based practice methods and make use of current best evidence in making assessments and recommendations.

(d) A child custody [social study] evaluator shall disclose to each attorney of record any communication regarding a substantive issue between the evaluator and an attorney of record representing a party in a contested [disputed] suit. This subsection does not apply to a communication between a child custody [social study] evaluator and an attorney ad litem or amicus attorney.

(e) To the extent possible, a child custody [social study] evaluator shall verify each statement of fact pertinent to a child custody evaluation [social study] and shall note the sources of verification and information in the child custody evaluation report prepared under Section 107.113.

(f) A child custody [social study] evaluator shall state the basis for the evaluator's conclusions or recommendations, and the extent to which information obtained limits the reliability and validity of the opinion and the conclusions and recommendations of the evaluator, in the child custody evaluation report prepared under Section 107.113. A child custody [social study] evaluator who has evaluated only one side of a contested suit [disputed case] shall refrain from making a recommendation regarding conservatorship of a child or possession of or access to a child, but may state whether any information obtained regarding a child's placement with a party indicates concerns for:

(1) the safety of the child;
 (2) the party's parenting skills or capability;
 (3) the party's relationship with the child; or
 (4) the mental health of the party [the party evaluated appears to be suitable for conservatorship].

(g) A child custody evaluation [Each social study subject to this subchapter] must be conducted in compliance with this subchapter, regardless of whether the child custody evaluation [study] is conducted:

(1) by a single child custody [social study] evaluator or multiple evaluators working separately or together; or

(2) within a county served by the court with continuing jurisdiction or at a geographically distant location.

(h) A child custody evaluation ~~[social study]~~ report must include for each child custody evaluator who conducted any portion of the child custody evaluation:

(1) the name and ~~[7]~~ license number of the child custody evaluator; ~~[7]~~ and

(2) a statement that the child custody evaluator:

(A) has read and meets the requirements of ~~[basis for qualification under]~~ Section 107.104; or

(B) was appointed under Section 107.106 ~~[107.0511 of each social study evaluator who conducted any portion of the social study]~~.

SECTION 1.10. Section 107.0514, Family Code, is redesignated as Section 107.109, Family Code, and amended to read as follows:

Sec. 107.109 ~~[107.0514]~~. ELEMENTS OF CHILD CUSTODY EVALUATION ~~[SOCIAL STUDY]~~. (a) A child custody evaluator may not offer an opinion regarding conservatorship of a child who is the subject of a suit or possession of or access to the child unless each basic element of a child custody evaluation as described by this section has been completed.

(b) A child custody evaluator shall:

(1) identify in the report required by Section 107.113 any basic element or any additional element of a child custody evaluation described by this section that was not completed;

(2) explain the reasons the element was not completed; and

(3) include an explanation of the likely effect of the missing element on the confidence the child custody evaluator has in the evaluator's expert opinion.

(c) The basic elements of a child custody evaluation ~~[social study]~~ under this subchapter consist of:

(1) a personal interview of each party to the suit;

(2) interviews ~~[an interview]~~, conducted in a developmentally appropriate manner, of each child who is the subject of ~~[at issue in]~~ the suit, regardless of the age of the child, during a period of possession of each party to the suit but outside the presence of the party ~~[who is at least four years of age]~~;

(3) observation of each child who is the subject of ~~[at issue in]~~ the suit, regardless of the age of the child, in the presence of each party to the suit, including, as appropriate, during supervised visitation, unless contact between a party and a child is prohibited by court order or the person conducting the evaluation has good cause for not conducting the observation and states the good cause in writing provided to the parties to the suit before the completion of the evaluation;

(4) an observation and, if the child is at least four years old, an interview of any child who is not a subject of the suit who lives on a full-time basis in a residence that is the subject of the evaluation, including with other children or parties who are subjects of the evaluation, where appropriate;

(5) the obtaining of information from relevant collateral sources, including the review of:

(A) relevant school records;

(B) relevant physical and mental health records of each party to the suit and each child who is the subject of the suit;

(C) relevant records of the department obtained under Section 107.111;

(D) criminal history information relating to each child who is the subject of the suit, each party to the suit, and each person who lives with a party to the suit; and

(E) any other collateral source that may have relevant information;

(6) ~~[(5)]~~ evaluation of the home environment of each party seeking conservatorship of a child who is the subject of ~~[at issue in]~~ the suit or possession of or access to the child, unless

the condition of the home environment is identified as not being in dispute in the court order requiring the child custody evaluation ~~[social study]~~;

(7) ~~[(6)]~~ for each individual residing in a residence subject to the child custody evaluation ~~[social study]~~, consideration of any criminal history information and any contact with the department ~~[Department of Family and Protective Services]~~ or a law enforcement agency regarding abuse or neglect; and

(8) ~~[(7)]~~ assessment of the relationship between each child who is the subject of [at issue in] the suit and each party seeking possession of or access to the child.

(d) ~~[(b)]~~ The additional elements of a child custody evaluation ~~[social study]~~ under this subchapter consist of:

(1) balanced interviews and observations ~~[observation]~~ of each child who is the subject of [at issue in] the suit so that a child who is interviewed or observed while in the care of one party to the suit is also interviewed or observed while in the care of each other party to the suit;

(2) an interview of each individual, including a child who is at least four years of age, residing on a full-time or part-time basis in a residence subject to the child custody evaluation ~~[social study]~~; ~~[and]~~

(3) evaluation of the home environment of each party seeking conservatorship of a child who is the subject of [at issue in] the suit or possession of or access to the child, regardless of whether the home environment is in dispute;

(4) observation of a child who is the subject of the suit with each adult who lives in a residence that is the subject of the evaluation;

(5) an interview, if the child is at least four years of age, and observation of a child who is not the subject of the suit but who lives on a full-time or part-time basis in a residence that is the subject of the evaluation;

(6) psychometric testing, if necessary, consistent with Section 107.110; and

(7) the performance of other tasks requested of the evaluator by the court, including:

(A) a joint interview of the parties to the suit; or

(B) the review of any other information that the court determines is relevant.

~~[(c) A social study evaluator may not offer an opinion regarding conservatorship of a child at issue in a suit or possession of or access to the child unless each basic element of a social study under Subsection (a) has been completed. A social study evaluator shall identify in the report any additional element of a social study under Subsection (b) that was not completed and shall explain the reasons that the element was not completed.]~~

SECTION 1.11. Subchapter D, Chapter 107, Family Code, is amended by adding Section 107.110 to read as follows:

Sec. 107.110. PSYCHOMETRIC TESTING. (a) A child custody evaluator may conduct psychometric testing as part of a child custody evaluation if:

(1) ordered by the court or determined necessary by the child custody evaluator; and

(2) the child custody evaluator is:

(A) appropriately licensed and trained to administer and interpret the specific psychometric tests selected; and

(B) trained in the specialized forensic application of psychometric testing.

(b) Selection of a specific psychometric test is at the professional discretion of the child custody evaluator based on the specific issues raised in the suit.

(c) A child custody evaluator may only use psychometric tests if the evaluator is familiar with the reliability, validation, and related standardization or outcome studies of, and proper applications and use of, the tests within a forensic setting.

(d) If a child custody evaluator considers psychometric testing necessary but lacks specialized training or expertise to use the specific tests under this section, the evaluator may designate a licensed psychologist to conduct the testing.

SECTION 1.12. Subchapter D, Chapter 107, Family Code, is amended by adding Section 107.1101 to read as follows:

Sec. 107.1101. EFFECT OF POTENTIALLY UNDIAGNOSED SERIOUS MENTAL ILLNESS. (a) In this section, "serious mental illness" has the meaning assigned by Section 1355.001, Insurance Code.

(b) If a child custody evaluator identifies the presence of a potentially undiagnosed serious mental illness experienced by an individual who is a subject of the child custody evaluation and the evaluator is not qualified by the evaluator's licensure, experience, and training to assess a serious mental illness, the evaluator shall make one or more appropriate referrals for a mental examination of the individual.

(c) The child custody evaluation report must include any information that the evaluator considers appropriate under the circumstances regarding the possible effects of an individual's potentially undiagnosed serious mental illness on the evaluation and the evaluator's recommendations.

SECTION 1.13. Section 107.05145, Family Code, is redesignated as Section 107.111, Family Code, and amended to read as follows:

Sec. 107.111 [107.05145]. CHILD CUSTODY [SOCIAL STUDY] EVALUATOR ACCESS TO INVESTIGATIVE RECORDS OF DEPARTMENT [OF FAMILY AND PROTECTIVE SERVICES]; OFFENSE. (a) A child custody [social study] evaluator appointed by a court is entitled to obtain from the department [Department of Family and Protective Services] a complete, unredacted copy of any investigative record regarding abuse or neglect that relates to any person residing in the residence subject to the child custody evaluation [social study].

(b) Except as provided by this section, records obtained by a child custody [social study] evaluator from the department [Department of Family and Protective Services] under this section are confidential and not subject to disclosure under Chapter 552, Government Code, or to disclosure in response to a subpoena or a discovery request.

(c) A child custody [social study] evaluator may disclose information obtained under Subsection (a) in the child custody evaluation [social study] report prepared under Section 107.113 only to the extent the evaluator determines that the information is relevant to the child custody evaluation [social study] or a recommendation made under this subchapter.

(d) A person commits an offense if the person recklessly discloses confidential information obtained from the department [Department of Family and Protective Services] in violation of this section. An offense under this subsection is a Class A misdemeanor.

SECTION 1.14. Subchapter D, Chapter 107, Family Code, is amended by adding Section 107.112 to read as follows:

Sec. 107.112. COMMUNICATIONS AND RECORDKEEPING OF CHILD CUSTODY EVALUATOR. (a) Notwithstanding any rule, standard of care, or privilege applicable to the professional license held by a child custody evaluator, a communication made by a participant in a child custody evaluation is subject to disclosure and may be offered in any judicial or administrative proceeding if otherwise admissible under the rules of evidence.

(b) A child custody evaluator shall:

(1) keep a detailed record of interviews that the evaluator conducts, observations that the evaluator makes, and substantive interactions that the evaluator has as part of a child custody evaluation; and

(2) maintain the evaluator's records consistent with applicable laws, including rules applicable to the evaluator's license.

(c) Except for records obtained from the department in accordance with Section 107.111, a private child custody evaluator shall, after completion of an evaluation and the preparation and filing of a child custody evaluation report under Section 107.113,

make available in a reasonable time the evaluator's records relating to the evaluation on the written request of an attorney for a party, a party who does not have an attorney, and any person appointed under this chapter in the suit in which the evaluator conducted the evaluation, unless a court has issued an order restricting disclosure of the records.

(d) Except for records obtained from the department in accordance with Section 107.111, records relating to a child custody evaluation conducted by an employee of or contractor with a domestic relations office shall, after completion of the evaluation and the preparation and filing of a child custody evaluation report under Section 107.113, be made available on written request according to the local rules and policies of the office.

(e) A person maintaining records subject to disclosure under this section may charge a reasonable fee for producing the records before copying the records.

(f) A private child custody evaluator shall retain all records relating to a child custody evaluation conducted by the evaluator until the ending date of the retention period adopted by the licensing authority that issues the professional license held by the evaluator based on the date the evaluator filed the child custody evaluation report prepared under this section with the court.

(g) A domestic relations office shall retain records relating to a child custody evaluation conducted by a child custody evaluator acting as an employee of or contractor with the office for the retention period established by the office.

(h) A person who participates in a child custody evaluation is not a patient as that term is defined by Section 611.001(1), Health and Safety Code.

SECTION 1.15. Section 107.054, Family Code, is redesignated as Section 107.113, Family Code, and amended to read as follows:

Sec. 107.113 [107.054]. CHILD CUSTODY EVALUATION REPORT REQUIRED [FILED WITH COURT]. (a) A child custody evaluator who conducts a child custody evaluation shall prepare and file a report containing the evaluator's findings, opinions, recommendations, and answers to specific questions asked by the court relating to the evaluation.

(b) The [agency or] person conducting a child custody evaluation [making the social study] shall file with the court on a date set by the court a report containing the person's [its] findings and conclusions. The report shall be made a part of the record of the suit.

(c) If the suit is settled before completion of the child custody evaluation report, the report under this section is not required.

(d) A report prepared under this section must include the information required by Section 107.108(h) for each child custody evaluator who conducted any portion of the evaluation.

SECTION 1.16. Section 107.055, Family Code, is redesignated as Section 107.114, Family Code, and amended to read as follows:

Sec. 107.114 [107.055]. INTRODUCTION AND PROVISION OF CHILD CUSTODY EVALUATION REPORT [AT TRIAL]. (a) Disclosure to the jury of the contents of a child custody evaluation report prepared under Section 107.113 [to the court of a social study] is subject to the rules of evidence.

(b) Unless the court has rendered an order restricting disclosure, a private child custody evaluator shall provide to the attorneys of the parties to a suit, any party who does not have an attorney, and any other person appointed by the court under this chapter in a suit a copy [In a contested case, the agency or person making the social study shall furnish copies] of the child custody evaluation report [to the attorneys for the parties] before the earlier of:

(1) the third [seventh] day after the date the child custody evaluation report [social study] is completed; or

(2) the 30th [fifth] day before the date of commencement of the trial.

(c) A child custody evaluator who conducts a child custody

evaluation as an employee of or under contract with a domestic relations office shall provide to the attorneys of the parties to a suit and any person appointed in the suit under this chapter a copy of the child custody evaluation report before the earlier of:

(1) the seventh day after the date the child custody evaluation report is completed; or

(2) the fifth day before the date the trial commences.

(d) A child custody evaluator who conducts a child custody evaluation as an employee of or under contract with a domestic relations office shall provide a copy of the report to a party to the suit as provided by the local rules and policies of the office or by a court order ~~[The court may compel the attendance of witnesses necessary for the proper disposition of the suit, including a representative of the agency making the social study, who may be compelled to testify].~~

SECTION 1.17. Section 107.056, Family Code, is redesignated as Section 107.115, Family Code, and amended to read as follows:

Sec. 107.115 [107.056]. CHILD CUSTODY EVALUATION [PREPARATION] FEE. If the court orders a child custody evaluation [social study] to be conducted, the court shall award the [agency or other] person appointed as the child custody evaluator a reasonable fee for the preparation of the child custody evaluation [study] that shall be imposed in the form of a money judgment and paid directly to the [agency or other] person. The person [or agency] may enforce the judgment for the fee by any means available under law for civil judgments.

SECTION 1.18. Chapter 107, Family Code, is amended by adding Subchapters E and F to read as follows:

SUBCHAPTER E. ADOPTION EVALUATION

Sec. 107.151. DEFINITIONS. In this subchapter:

(1) "Adoption evaluation" means a pre-placement or post-placement evaluative process through which information and recommendations regarding adoption of a child may be made to the court, the parties, and the parties' attorneys.

(2) "Adoption evaluator" means a person who conducts an adoption evaluation under this subchapter.

(3) "Department" means the Department of Family and Protective Services.

(4) "Supervision" means directing, regularly reviewing, and meeting with a person with respect to the completion of work for which the supervisor is responsible for the outcome. The term does not require the constant physical presence of the person providing supervision and may include telephonic or other electronic communication.

Sec. 107.152. APPLICABILITY. (a) For purposes of this subchapter, an adoption evaluation does not include services provided in accordance with the Interstate Compact on the Placement of Children adopted under Subchapter B, Chapter 162, or an evaluation conducted in accordance with Section 262.114 by an employee of or contractor with the department.

(b) This subchapter does not apply to the pre-placement and post-placement parts of an adoption evaluation conducted by a licensed child-placing agency or the department.

(c) The pre-placement and post-placement parts of an adoption evaluation conducted by a licensed child-placing agency or the department are governed by rules adopted by the executive commissioner of the Health and Human Services Commission.

(d) In a suit involving a licensed child-placing agency or the department, a licensed child-placing agency or the department shall conduct the pre-placement and post-placement parts of the adoption evaluation and file reports on those parts with the court before the court renders a final order of adoption.

(e) A court may appoint the department to conduct the pre-placement and post-placement parts of an adoption evaluation in a suit only if the department is:

(1) a party to the suit; or

(2) the managing conservator of the child who is the subject of the suit.

Sec. 107.153. ORDER FOR ADOPTION EVALUATION. (a) The court

shall order the performance of an adoption evaluation to evaluate each party who requests termination of the parent-child relationship or an adoption in a suit for:

(1) termination of the parent-child relationship in which a person other than a parent may be appointed managing conservator of a child; or

(2) an adoption.

(b) The adoption evaluation required under Subsection (a) must include an evaluation of the circumstances and the condition of the home and social environment of any person requesting to adopt a child who is at issue in the suit.

(c) The court may appoint a qualified individual, a qualified private entity, or a domestic relations office to conduct the adoption evaluation.

(d) Except as provided by Section 107.155, a person who conducts an adoption evaluation must meet the requirements of Section 107.154.

(e) The costs of an adoption evaluation under this section shall be paid by the prospective adoptive parent.

Sec. 107.154. ADOPTION EVALUATOR: MINIMUM QUALIFICATIONS.

(a) In this section:

(1) "Full-time experience" means a period during which a person works at least 30 hours per week.

(2) "Human services field of study" means a field of study designed to prepare a person in the disciplined application of counseling, family therapy, psychology, or social work values, principles, and methods.

(b) To be qualified to conduct an adoption evaluation under this subchapter, a person must:

(1) have a degree from an accredited college or university in a human services field of study and a license to practice in this state as a social worker, professional counselor, marriage and family therapist, or psychologist and:

(A) have one year of full-time experience working at a child-placing agency conducting child-placing activities; or

(B) be practicing under the direct supervision of a person qualified under this section to conduct adoption evaluations;

(2) be employed by a domestic relations office, provided that the person conducts adoption evaluations relating only to families ordered to participate in adoption evaluations conducted by the domestic relations office; or

(3) be qualified as a child custody evaluator under Section 107.104.

(c) In addition to the other qualifications prescribed by this section, an individual must complete at least eight hours of family violence dynamics training provided by a family violence service provider to be qualified to conduct an adoption evaluation under this subchapter.

Sec. 107.155. EXCEPTION TO QUALIFICATIONS REQUIRED TO CONDUCT ADOPTION EVALUATION. (a) In a county with a population of less than 500,000, if a court finds that an individual who meets the requirements of Section 107.154 is not available in the county to conduct an adoption evaluation in a timely manner, the court, after notice and hearing or on agreement of the parties, may appoint a person the court determines to be otherwise qualified to conduct the evaluation.

(b) An individual appointed under this section shall comply with all provisions of this subchapter, other than Section 107.154.

Sec. 107.156. ADOPTION EVALUATOR: CONFLICTS OF INTEREST AND BIAS. (a) Before accepting appointment as an adoption evaluator in a suit, a person must disclose to the court, each attorney for a party to the suit, any attorney for a child who is the subject of the suit, and any party to the suit who does not have an attorney:

(1) any conflict of interest that the person believes the person has with a party to the suit or a child who is the subject of the suit;

(2) any previous knowledge that the person has of a party to the suit or a child who is the subject of the suit;

13-1 (3) any pecuniary relationship that the person
 13-2 believes the person has with an attorney in the suit;

13-3 (4) any relationship of confidence or trust that the
 13-4 person believes the person has with an attorney in the suit; and

13-5 (5) any other information relating to the person's
 13-6 relationship with an attorney in the suit that a reasonable,
 13-7 prudent person would believe would affect the ability of the person
 13-8 to act impartially in conducting an adoption evaluation.

13-9 (b) The court may not appoint a person as an adoption
 13-10 evaluator in a suit if the person makes any of the disclosures in
 13-11 Subsection (a) unless:

13-12 (1) the court finds that:

13-13 (A) the person has no conflict of interest with a
 13-14 party to the suit or a child who is the subject of the suit;

13-15 (B) the person's previous knowledge of a party to
 13-16 the suit or a child who is the subject of the suit is not relevant;

13-17 (C) the person does not have a pecuniary
 13-18 relationship with an attorney in the suit; and

13-19 (D) the person does not have a relationship of
 13-20 trust or confidence with an attorney in the suit; or

13-21 (2) the parties and any attorney for a child who is the
 13-22 subject of the suit agree in writing to the person's appointment as
 13-23 the adoption evaluator.

13-24 (c) After being appointed as an adoption evaluator in a
 13-25 suit, a person shall immediately disclose to the court, each
 13-26 attorney for a party to the suit, any attorney for a child who is the
 13-27 subject of the suit, and any party to the suit who does not have an
 13-28 attorney any discovery of:

13-29 (1) a conflict of interest that the person believes
 13-30 the person has with a party to the suit or a child who is the subject
 13-31 of the suit; and

13-32 (2) previous knowledge that the person has of a party
 13-33 to the suit or a child who is the subject of the suit, other than
 13-34 knowledge obtained in a court-ordered evaluation.

13-35 (d) A person shall resign from the person's appointment as
 13-36 an adoption evaluator in a suit if the person makes any of the
 13-37 disclosures in Subsection (c) unless:

13-38 (1) the court finds that:

13-39 (A) the person has no conflict of interest with a
 13-40 party to the suit or a child who is the subject of the suit; and

13-41 (B) the person's previous knowledge of a party to
 13-42 the suit or a child who is the subject of the suit is not relevant;
 13-43 or

13-44 (2) the parties and any attorney for a child who is the
 13-45 subject of the suit agree in writing to the person's continued
 13-46 appointment as the adoption evaluator.

13-47 (e) An individual may not be appointed as an adoption
 13-48 evaluator in a suit if the individual has worked in a professional
 13-49 capacity with a party to the suit, a child who is the subject of the
 13-50 suit, or a member of the party's or child's family who is involved in
 13-51 the suit. This subsection does not apply to an individual who has
 13-52 worked in a professional capacity with a party, a child, or a member
 13-53 of the party's or child's family only as a teacher of parenting
 13-54 skills in a group setting, with no individualized interaction with
 13-55 any party, the child, any party's family, or the child's family, or
 13-56 as a child custody evaluator or adoption evaluator who performed a
 13-57 previous evaluation. For purposes of this subsection, "family" has
 13-58 the meaning assigned by Section 71.003.

13-59 Sec. 107.157. REPORTING CERTAIN PLACEMENTS FOR ADOPTION.
 13-60 An adoption evaluator shall report to the department any adoptive
 13-61 placement that appears to have been made by someone other than a
 13-62 licensed child-placing agency or a child's parent or managing
 13-63 conservator.

13-64 Sec. 107.158. GENERAL PROVISIONS APPLICABLE TO CONDUCT OF
 13-65 ADOPTION EVALUATOR AND PREPARATION OF REPORTS. (a) Unless
 13-66 otherwise directed by a court or prescribed by this subchapter, an
 13-67 adoption evaluator's actions in conducting an adoption evaluation
 13-68 must be in conformance with the professional standard of care
 13-69 applicable to the evaluator's licensure and any administrative

rules, ethical standards, or guidelines adopted by the licensing authority that licenses the evaluator.

(b) A court may impose requirements or adopt local rules applicable to an adoption evaluation or an adoption evaluator that do not conflict with this subchapter.

(c) An adoption evaluator shall follow evidence-based practice methods and make use of current best evidence in making assessments and recommendations.

(d) An adoption evaluator shall disclose to each attorney of record any communication regarding a substantive issue between the evaluator and an attorney of record representing a party in a contested suit. This subsection does not apply to a communication between an adoption evaluator and an amicus attorney.

(e) To the extent possible, an adoption evaluator shall verify each statement of fact pertinent to an adoption evaluation and shall note the sources of verification and information in any report prepared on the evaluation.

(f) An adoption evaluator shall state the basis for the evaluator's conclusions or recommendations in any report prepared on the evaluation.

(g) An adoption evaluation report must include for each adoption evaluator who conducted any portion of the adoption evaluation:

(1) the name and license number of the adoption evaluator; and

(2) a statement that the adoption evaluator:
(A) has read and meets the requirements of Section 107.154; or

(B) was appointed under Section 107.155.

Sec. 107.159. REQUIREMENTS FOR PRE-PLACEMENT PORTION OF ADOPTION EVALUATION AND REPORT. (a) Unless otherwise agreed to by the court, the pre-placement part of an adoption evaluation must comply with the minimum requirements for the pre-placement part of an adoption evaluation under rules adopted by the executive commissioner of the Health and Human Services Commission.

(b) Unless a child who is the subject of the suit begins to reside in a prospective adoptive home before the suit is commenced, an adoption evaluator shall file with the court a report containing the evaluator's findings and conclusions made after completion of the pre-placement portion of the adoption evaluation.

(c) In a suit filed after the date a child who is the subject of the suit begins to reside in a prospective adoptive home, the report required under this section and the post-placement adoption evaluation report required under Section 107.160 may be combined in a single report.

(d) The report required under this section must be filed with the court before the court may sign the final order for termination of the parent-child relationship. The report shall be included in the record of the suit.

(e) A copy of the report prepared under this section must be made available to the prospective adoptive parents before the court renders a final order of adoption.

Sec. 107.160. REQUIREMENTS FOR POST-PLACEMENT PORTION OF ADOPTION EVALUATION AND REPORT. (a) Unless otherwise agreed to by the court, the post-placement part of an adoption evaluation must comply with the minimum requirements for the post-placement part of an adoption evaluation under rules adopted by the executive commissioner of the Health and Human Services Commission.

(b) An adoption evaluator shall file with the court a report containing the evaluator's findings and conclusions made after a child who is the subject of the suit in which the evaluation is ordered begins to reside in a prospective adoptive home.

(c) The report required under this section must be filed with the court before the court renders a final order of adoption. The report shall be included in the record of the suit.

(d) A copy of the report prepared under this section must be made available to the prospective adoptive parents before the court renders a final order of adoption.

Sec. 107.161. INTRODUCTION AND PROVISION OF ADOPTION

15-1 EVALUATION REPORT AND TESTIMONY RELATING TO ADOPTION EVALUATION.
 15-2 (a) Disclosure to the jury of the contents of an adoption
 15-3 evaluation report prepared under Section 107.159 or 107.160 is
 15-4 subject to the rules of evidence.

15-5 (b) The court may compel the attendance of witnesses
 15-6 necessary for the proper disposition of a suit, including a
 15-7 representative of an agency that conducts an adoption evaluation,
 15-8 who may be compelled to testify.

15-9 Sec. 107.162. ADOPTION EVALUATION FEE. If the court orders
 15-10 an adoption evaluation to be conducted, the court shall award the
 15-11 adoption evaluator a reasonable fee for the preparation of the
 15-12 evaluation that shall be imposed in the form of a money judgment and
 15-13 paid directly to the evaluator. The evaluator may enforce the
 15-14 judgment for the fee by any means available under law for civil
 15-15 judgments.

15-16 Sec. 107.163. ADOPTION EVALUATOR ACCESS TO INVESTIGATIVE
 15-17 RECORDS OF DEPARTMENT; OFFENSE. (a) An adoption evaluator is
 15-18 entitled to obtain from the department a complete, unredacted copy
 15-19 of any investigative record regarding abuse or neglect that relates
 15-20 to any person residing in the residence subject to the adoption
 15-21 evaluation.

15-22 (b) Except as provided by this section, records obtained by
 15-23 an adoption evaluator from the department under this section are
 15-24 confidential and not subject to disclosure under Chapter 552,
 15-25 Government Code, or to disclosure in response to a subpoena or a
 15-26 discovery request.

15-27 (c) An adoption evaluator may disclose information obtained
 15-28 under Subsection (a) in the adoption evaluation report prepared
 15-29 under Section 107.159 or 107.160 only to the extent the evaluator
 15-30 determines that the information is relevant to the adoption
 15-31 evaluation or a recommendation made under this subchapter.

15-32 (d) A person commits an offense if the person recklessly
 15-33 discloses confidential information obtained from the department in
 15-34 violation of this section. An offense under this subsection is a
 15-35 Class A misdemeanor.

15-36 SUBCHAPTER F. EVALUATIONS IN CONTESTED ADOPTIONS

15-37 Sec. 107.201. APPLICABILITY. This subchapter does not
 15-38 apply to services provided in accordance with the Interstate
 15-39 Compact on the Placement of Children adopted under Subchapter B,
 15-40 Chapter 162, to an evaluation conducted in accordance with Section
 15-41 [262.114](#) by an employee of or contractor with the department, or to a
 15-42 suit in which the Department of Family and Protective Services is a
 15-43 party.

15-44 Sec. 107.202. ASSIGNMENT OF EVALUATIONS IN CONTESTED
 15-45 ADOPTIONS. (a) In a suit in which the adoption of a child is being
 15-46 contested, the court shall determine the nature of the questions
 15-47 posed before appointing an evaluator to conduct either a child
 15-48 custody evaluation or an adoption evaluation.

15-49 (b) If the court is attempting to determine whether
 15-50 termination of parental rights is in the best interest of a child
 15-51 who is the subject of the suit, the court shall order the evaluation
 15-52 as a child custody evaluation under Subchapter D and include
 15-53 termination as one of the specific issues to be addressed in the
 15-54 evaluation.

15-55 (c) When appointing an evaluator to assess the issue of
 15-56 termination of parental rights, the court may, through written
 15-57 order, modify the requirements of the child custody evaluation to
 15-58 take into account the circumstances of the family to be assessed.
 15-59 The court may also appoint the evaluator to concurrently address
 15-60 the requirements for an adoption evaluation under Subchapter E if
 15-61 the evaluator recommends that termination of parental rights is in
 15-62 the best interest of the child who is the subject of the suit.

15-63 (d) If the court is attempting to determine whether the
 15-64 parties seeking adoption would be suitable to adopt the child who is
 15-65 the subject of the suit if the termination of parental rights is
 15-66 granted, but the court is not attempting to determine whether such
 15-67 termination of parental rights is in the child's best interest, the
 15-68 court may order the evaluation as an adoption evaluation under
 15-69 Subchapter E.

ARTICLE 2. TESTIMONY IN SUITS AFFECTING THE PARENT-CHILD
RELATIONSHIP

SECTION 2.01. Chapter 104, Family Code, is amended by adding Section 104.008 to read as follows:

Sec. 104.008. CERTAIN TESTIMONY PROHIBITED. (a) A person may not offer an expert opinion or recommendation relating to the conservatorship of or possession of or access to a child at issue in a suit unless the person has conducted a child custody evaluation relating to the child under Subchapter D, Chapter 107.

(b) In a contested suit, a mental health professional may provide other relevant information and opinions, other than those prohibited by Subsection (a), relating to any party that the mental health professional has personally evaluated.

(c) This section does not apply to a suit in which the Department of Family and Protective Services is a party.

ARTICLE 3. CONFORMING AMENDMENTS RELATING TO CHILD CUSTODY
EVALUATIONS AND ADOPTION EVALUATIONS

SECTION 3.01. Section 153.605(d), Family Code, is amended to read as follows:

(d) An individual appointed as a parenting coordinator may not serve in any nonconfidential capacity in the same case, including serving as an amicus attorney, guardian ad litem, child custody [or social study] evaluator, or adoption evaluator under Chapter 107, as a friend of the court under Chapter 202, or as a parenting facilitator under this subchapter.

SECTION 3.02. Section 162.0025, Family Code, is amended to read as follows:

Sec. 162.0025. ADOPTION SOUGHT BY MILITARY SERVICE MEMBER. In a suit for adoption, the fact that a petitioner is a member of the armed forces of the United States, a member of the Texas National Guard or the National Guard of another state, or a member of a reserve component of the armed forces of the United States may not be considered by the court, or any person performing an adoption evaluation [a social study] or home screening, as a negative factor in determining whether the adoption is in the best interest of the child or whether the petitioner would be a suitable parent.

SECTION 3.03. Section 162.003, Family Code, is amended to read as follows:

Sec. 162.003. ADOPTION EVALUATION [~~PRE-ADOPTIVE AND POST-PLACEMENT SOCIAL STUDIES~~]. In a suit for adoption, an adoption evaluation [pre-adoptive and post-placement social studies] must be conducted as provided in Chapter 107.

SECTION 3.04. Section 162.0045, Family Code, is amended to read as follows:

Sec. 162.0045. PREFERENTIAL SETTING. The court shall grant a motion for a preferential setting for a final hearing on an adoption and shall give precedence to that hearing over all other civil cases not given preference by other law if the adoption evaluation [social study] has been filed and the criminal history for the person seeking to adopt the child has been obtained.

SECTION 3.05. Section 203.004(a), Family Code, is amended to read as follows:

(a) A domestic relations office may:

(1) collect and disburse child support payments that are ordered by a court to be paid through a domestic relations registry;

(2) maintain records of payments and disbursements made under Subdivision (1);

(3) file a suit, including a suit to:

(A) establish paternity;

(B) enforce a court order for child support or for possession of and access to a child; and

(C) modify or clarify an existing child support order;

(4) provide an informal forum in which alternative dispute resolution is used to resolve disputes under this code;

(5) prepare a court-ordered child custody evaluation or adoption evaluation [social study] under Chapter 107;

(6) represent a child as an amicus attorney, an

attorney ad litem, or a guardian ad litem in a suit in which:

(A) termination of the parent-child relationship is sought; or

(B) conservatorship of or access to a child is contested;

(7) serve as a friend of the court;

(8) provide predivorce counseling ordered by a court;

(9) provide community supervision services under Chapter 157;

(10) provide information to assist a party in understanding, complying with, or enforcing the party's duties and obligations under Subdivision (3);

(11) provide, directly or through a contract, visitation services, including supervision of court-ordered visitation, visitation exchange, or other similar services;

(12) issue an administrative writ of withholding under Subchapter F, Chapter 158; and

(13) provide parenting coordinator services under Chapter 153.

SECTION 3.06. Section 203.005(a), Family Code, is amended to read as follows:

(a) The administering entity may authorize a domestic relations office to assess and collect:

(1) an initial operations fee not to exceed \$15 to be paid to the domestic relations office on each filing of an original suit, motion for modification, or motion for enforcement;

(2) in a county that has a child support enforcement cooperative agreement with the Title IV-D agency, an initial child support service fee not to exceed \$36 to be paid to the domestic relations office on the filing of an original suit;

(3) a reasonable application fee to be paid by an applicant requesting services from the office;

(4) a reasonable attorney's fee and court costs incurred or ordered by the court;

(5) a monthly service fee not to exceed \$3 to be paid annually in advance by a managing conservator and possessory conservator for whom the domestic relations office provides child support services;

(6) community supervision fees as provided by Chapter 157 if community supervision officers are employed by the domestic relations office;

(7) a reasonable fee for preparation of a court-ordered child custody evaluation or adoption evaluation ~~[social study]~~;

(8) in a county that provides visitation services under Sections 153.014 and 203.004 a reasonable fee to be paid to the domestic relations office at the time the visitation services are provided;

(9) a fee to reimburse the domestic relations office for a fee required to be paid under Section 158.503(d) for filing an administrative writ of withholding;

(10) a reasonable fee for parenting coordinator services; and

(11) a reasonable fee for alternative dispute resolution services.

SECTION 3.07. Sections 411.1285(a) and (c), Government Code, are amended to read as follows:

(a) A domestic relations office created under Chapter 203, Family Code, is entitled to obtain from the department criminal history record information that relates to a person who is a party to a proceeding in which the domestic relations office is providing services permitted under Chapter 203, Family Code, or a person involved in a child custody evaluation under Chapter 107, Family Code, in which the domestic relations office has been appointed to conduct the child custody evaluation.

(c) Criminal history record information requested under this section, except for relevant [including] information included in a report of a child custody evaluation or adoption evaluation [social study] filed under Chapter 107 [Section 107.054], Family

Code, may not be released or disclosed by a domestic relations office to a person other than the court ordering the child custody evaluation or adoption evaluation [~~social study~~] except on court order or with the consent of the person who is the subject of the criminal history record information.

SECTION 3.08. Section 152.06331(f), Human Resources Code, is amended to read as follows:

(f) Fees for the preparation of a court-ordered child custody evaluation or adoption evaluation [~~social study~~] or any other services provided by the domestic relations office, other than services related to the collection of child support, must be reasonable and imposed on a sliding scale according to the financial resources of the parties using the services.

ARTICLE 4. REPEALERS

SECTION 4.01. Sections 107.0515, 107.0519, 107.052, and 107.053, Family Code, are repealed.

ARTICLE 5. TRANSITION AND EFFECTIVE DATE

SECTION 5.01. (a) Not later than March 1, 2016, the Texas State Board of Examiners of Psychologists, the Texas State Board of Examiners of Professional Counselors, the Texas State Board of Social Worker Examiners, the Texas State Board of Examiners of Marriage and Family Therapists, and the Texas Medical Board shall adopt any rules necessary for license holders to comply with the requirements of Subchapter D, Chapter 107, Family Code, as amended by this Act, and Subchapters E and F, Chapter 107, Family Code, as added by this Act, and specifying that a person licensed by any of the boards is subject to the rules of the board that licensed the person when appointed by a court to conduct a child custody evaluation under Subchapter D, Chapter 107, Family Code, as amended by this Act, or adoption evaluation under Subchapter E, Chapter 107, Family Code, as added by this Act. The rules adopted under this subsection must:

(1) specify that any complaint relating to the outcome of a child custody evaluation or adoption evaluation conducted by a person licensed by any of the boards must be reported to the court that ordered the evaluation; and

(2) require that license holders receive notice that the disclosure of confidential information in violation of Section 107.111 or 107.163, Family Code, as added by this Act, is grounds for disciplinary action.

(b) Subsection (a) of this section does not affect the authority of a licensing agency that issues a license to a child custody evaluator to enforce compliance with state law and administrative rules applicable to the license holder.

(c) As soon as possible after the effective date of this Act, the Texas State Board of Examiners of Psychologists, the Texas State Board of Examiners of Professional Counselors, and the Texas State Board of Examiners of Marriage and Family Therapists shall adopt rules prohibiting a psychological associate, a licensed specialist in school psychology, a provisionally licensed psychologist, a licensed professional counselor intern, and a licensed marriage and family therapist associate from conducting a child custody evaluation under Subchapter D, Chapter 107, Family Code, as amended by this Act, unless the person is otherwise qualified to conduct the evaluation.

(d) As soon as possible after the effective date of this Act, the executive commissioner of the Health and Human Services Commission shall adopt rules prohibiting a licensed chemical dependency counselor from conducting a child custody evaluation as a child custody evaluator under Subchapter D, Chapter 107, Family Code, as amended by this Act, unless the person is otherwise qualified to conduct the evaluation or is appointed by a court to conduct the evaluation under Section 107.106, Family Code, as added by this Act.

(e) Not later than March 1, 2016, the executive commissioner of the Health and Human Services Commission shall adopt any rules necessary to implement Subchapter E, Chapter 107, Family Code, as added by this Act. Subchapter E, Chapter 107, Family Code, as added by this Act, applies to an adoption evaluation ordered by a court on

19-1 or after March 1, 2016, or the date the executive commissioner
19-2 adopts rules under this subsection, whichever date occurs first.
19-3 An adoption evaluation, pre-placement adoptive social study, or
19-4 post-placement adoptive social study ordered by a court before that
19-5 date is governed by the law in effect immediately before the
19-6 effective date of this Act, and the former law is continued in
19-7 effect for that purpose.

19-8 SECTION 5.02. (a) Notwithstanding any other law, a person
19-9 is qualified to conduct a child custody evaluation under Section
19-10 107.104, Family Code, as redesignated and amended by this Act, or an
19-11 adoption evaluation under Section 107.154, Family Code, as added by
19-12 this Act, without satisfying the supervision requirements of
19-13 Section 107.104(b)(1) or (2) if, on or before the effective date of
19-14 this Act, the person completes at least 10 social studies or other
19-15 child custody evaluations ordered by a court in suits affecting the
19-16 parent-child relationship.

19-17 (b) Notwithstanding any other law, a person who is qualified
19-18 to conduct a social study evaluation under former Section
19-19 107.0511(g), Family Code, is authorized to conduct a child custody
19-20 evaluation before September 1, 2017, without meeting the
19-21 requirements under Section 107.104, Family Code, as redesignated
19-22 and amended by this Act, and the former law is continued in effect
19-23 for that purpose.

19-24 (c) Notwithstanding Section 107.104(b)(1), Family Code, as
19-25 redesignated and amended by this Act, an individual who on or before
19-26 the effective date of this Act has completed at least 20 social
19-27 studies ordered by a court in suits affecting the parent-child
19-28 relationship and who holds a license to practice in this state as a
19-29 social worker, professional counselor, marriage and family
19-30 therapist, or psychologist is not required to comply with Section
19-31 107.104(b)(1), Family Code, as redesignated and amended by this
19-32 Act.

19-33 SECTION 5.03. The changes in law made by this Act apply to a
19-34 suit affecting the parent-child relationship that is filed on or
19-35 after March 1, 2016.

19-36 SECTION 5.04. This Act takes effect September 1, 2015.

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